

AMENDMENTS TO THE DRAWINGS:

Drawing sheet 2 with Figs. 3 and 6 is amended herein to be two drawing sheets, one sheet having Fig. 3 and one sheet having Fig. 6.

Fig. 6 has been amended to include text labels for the blocks.

Two "Replacement Sheets" of these figures are attached hereto.

REMARKS

The Office Action mailed November 1, 2004 has been reviewed and carefully considered. Claims 22 to 43 are pending in this application, with claims 22, 34 and 40 being the independent claims. Reconsideration of the above-identified application, as amended, and in view of the following remarks is respectfully requested.

In the Office Action mailed November 1, 2004, Figure 6 was objected to. Although the objection does not sufficiently indicate what is wrong with Fig. 6 as filed, Fig. 6 has been amended herein to include text descriptions of the boxes. Withdrawal of that objection and approval of the replacement drawings is requested.

The text of the Office Action (page 8) indicates that Claim "32" was objected to as being dependent upon a rejected base claim but were deemed to be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. It would appear that page 8 of the Office Action in this regard should instead refer to claim "33" in view of the indication of the reasons for allowance, and further in view of page 1 of the Office Action, ¶7. Appropriate correction is requested.

Independent claims 22, 34 and 40 and dependent claims 23 to 27, 29 to 32, 36 to 39, 42, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,404,826 ("Schmidl") in view of U.S. Patent No. 6,292,519 ("Popovic"). Dependent claims 28, 35 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidl in view of Popovic and further in view of U.S. Patent No. 6,639,934 ("Engstrom").

Schmidl relates to a different problem than that solved by the present invention as recited in independent claims 22, 34 and 40. Schmidl states that there is a problem relating to large and abrupt variations in the RSSI value, which is "due to the limited number of pilot symbols available for averaging". However, apparently Schmidl does not recognize that the varying number of rake fingers is a source of error in the RSSI measurement. The concept of correcting the measurement in some way that would depend on the number of rake fingers (as recited in applicants' claims) is not disclosed or suggested in Schmidl. Instead, Schmidl only suggests taking averages from the unknown data symbols to assist in equalling out the abrupt changes of the RSSI.

The Examiner quite appropriately noted this deficiency in Schmidl (Office Action, page 3), and cited Popovic to supply the elements of applicants' claims missing from Schmidl. However,

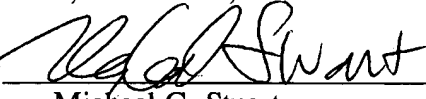
Popovic also does not speak about the number of rake fingers. To the contrary, Popovic also concentrates on the small number of pilot symbols that are available for averaging, as well as the fact that at low SIR values the unpredictable fluctuations in the noise levels cause the variance of the SIR to increase. In the Office Action (page 3), the Examiner relies upon column 8, lines 12-14 of Popovic; however, these lines only refer to using a mysterious correction function $y_2(x)$, which depends on a number of other parameters but not on the number of rake fingers. These disclosed parameters are the measured SIR value (x), two noise threshold values (T_0 and T_1) and a number of numerical correction factors (D_0 , D_1 , K_0 , K_1 , C_0 , C_1 and C_2 ; see the table at the top of column 9). Different values have been given to these numerical correction factors depending on the spread factor, but since the spread factor has nothing to do with the number of rake fingers used for reception, this disclosure has no relevance to the invention recited in applicants' independent claims 22, 34 and 40.

Since neither of cited references discloses or suggests correcting the SIR measurement depending on the number of rake fingers in use, and since "at least the number of rake fingers used in receiving the signal" is recited in applicants' independent claims 22, 34 and 40, these claims are patentable over Schmidl in view of Popovic. Withdrawal of the rejection of these claims is therefore requested.

The dependent claims are patentable for the same reasons that independent claim 22, 34 and 40 are patentable. Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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